

I R E L A N D

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I R I S H Q U E S T I O N S.

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AND

I R I S H Q U E S T I O N S.

BY

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W

BARRISTER AT LAW.

SECOND EDITION.

“ Nullius addictus in verbis jurare magistri.”—HOR.

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ADVERTISEMENT

TO THE SECOND EDITION.

THE following pages were published anonymously at the commencement of the first session of Parliament which followed the accession to power of the present ministry: great anticipations were formed of the measures said to be intended, while the ability of the government to carry out its views appeared great and unquestionable.

As one who honestly shared in these anticipations, it is needless to say the author feels regret and disappointment in finding that his observations on the state of Ireland, remain as applicable to the present, as they were to the period of their first publication; but this circumstance, while it may excuse or justify the re-appearance of this

pamphlet, is to him a subject of painful reflection. Three years (a short period indeed in the history of Irish misgovernment) have been allowed to roll away almost barren in the great work of reform and legislation; and now, entering upon another new session of Parliament, we are offered little but the same old fare,—great promises, warm professions, to be followed most probably by the same poor and piecemeal performances, But while we might thus condense, for practical results, all that has been done at this side of the water in regard to the sister country; in Ireland itself, the history of the last three years has been marked by events which cannot fail to exercise a serious, and I fear most injurious, influence on its political relations with this country—the ill-advised and unwarrantable suspension of the popular magistrates, followed up by the now celebrated State prosecutions, had no other effect than that of interrupting the course of a wise conciliation, and of engendering in the minds of the Irish people, such a deep distrust of the present government, as will in itself go far to defeat their best intended measures.

The Repeal of the Union, from being a speculative subject of debate, generally popular with the middle and lower classes in Ireland, has become an imperial question, sustained by such a political organization and physical display, that

however the agitation may appear to ebb or flow, cannot be longer disregarded.

Men of property and intelligence, whose motives are above all suspicion, one by one, in despair of finding a remedy for the manifold and complicated evils of their country in the Imperial Parliament, have been drawn into the vortex of the Repeal movement. A great body of the Irish members have seceded, or no longer attend the House of Commons ; till at length Ireland (at the best most inadequately represented) has almost ceased to have a voice in the Great Council of the Nation.

These circumstances, and an intervening residence of some duration in Roman Catholic countries, may have modified to some extent the author's political feelings ; but as this pamphlet, when it first appeared, manifested at least an absence of party spirit, he has added or subtracted nothing on the present occasion. In the historical summary there is necessarily little original ; it is nothing more than an impartial compilation abridged from works of established authority—the whole pamphlet is, indeed, but the skeleton of a larger work which the author had intended, but abandoned for professional studies. He thought, however, it might be useful in its present form as an epitome (although a brief and imperfect one) of the questions bearing on the

interests of Ireland. In the earnest hope that it may still prove so, he has ventured to append his name to it.

There are some errors of the press, but they are so palpable as not to require pointing out.

London, Feb. 1845.

IRELAND AND IRISH QUESTIONS

CONSIDERED.

CHAPTER I.

HISTORICAL SUMMARY.

IT would be foreign to our purpose to dwell upon the early and disputed history of Ireland, or to decide on the nature and validity of the evidence brought forward to support its claim to remote antiquity, and vindicate the illustrious origin claimed by her people. Such inquiries in our day are more curious than useful; and, laying no claim to the character of an antiquary, I feel myself incompetent to enter upon them. I may, however, in passing, be allowed to observe, that in my mind these too much disparaged traditions receive strong confirmation from many customs still existing in Ireland, and pe-

cular to those nations of admittedly Eastern origin, as well as from those singularly mysterious ruins, the Round Towers of Ireland.

We know that Christianity was introduced into Ireland at a very early period, although the precise time and manner of its introduction is not so well settled. The honour of this great work is generally ascribed to Saint Patrick; but not only has this been denied, but the fact of his ever having been in Ireland, nay, the very existence of the Saint himself, has been disputed: it is certainly inconsistent with the Romish account of his mission, that the form of Christianity first established in Ireland (and for this we have strong testimony) was modelled more upon the system of the Eastern churches than upon that of the Roman. Indeed, the theologians of the Great Western Church in those days regarded the Irish Church as schismatical, and treated its clergy with the greatest severity in their writings, as little better than heretics. But whatever might be thought at Rome of their orthodoxy, the ancient Irish clergy were everywhere distinguished and celebrated for their zealous piety and learning: separated in a great degree from the rest of the world, their insular position, which had preserved them from the lust of Roman power, now secured them also from the ravages of those barbarous hordes which overran the

empire ; and when Gaul and Britain was subjugated by the Franks and Saxons, Ireland offered to the fugitives a safe asylum from their Gothic invaders. Nor was this hospitality without its reward ; for the treasures of literature and the arts, which so generally accompanied the steps of Roman conquest, were by these guests introduced into Ireland ; and there so successfully cultivated, as to gain for her, in those dark ages, a far-spread reputation for learning. But the invasion of the Danes quenched the light which had burned so brightly amid the darkness of the nations of western Europe, and reduced Ireland to the same miserable condition as those countries in whose misfortunes she had shown such generous sympathy.

But let us proceed to consider the most important event in the History of Ireland, the origin of her connexion with England, in the reign of Henry the Second.

The settlement of the English adventurers in Ireland has been generally called a Conquest ; but it is proper that we should inquire more closely into this ; for upon this untenable ground (as it seems to me) the successive rulers of Ireland have sought, more or less, to justify the oppression of her people. If the term Conquest were used only in its legal and strict sense of “ acquisition,” as it is nearly universally applied by our

old law writers to the Norman settlement in England, the inquiry might well be passed over; but in the ordinary meaning of the word, as implying *an acquisition obtained by force of arms, and to which force has been also opposed*, which there is too much reason to apprehend is the general opinion entertained by Englishmen—an opinion not without mischievous operation when Irish affairs are discussed—it cannot be allowed to convey a correct idea of the great historical event by which the authority of the British crown came to be recognised in Ireland. I have observed that the word “Conquestus” is frequently used by our law-writers to describe a peaceful acquisition; and we find that many of the English kings, long subsequent to the Conqueror, have used in their ordinances the terms *post conquestum*, without intending to imply by these words a right to treat the English people as a conquered nation. But this offensive signification has not only been given to the event we are considering, but has been constantly acted upon as a settled principle in the past government of Ireland;* and to this fatal error is owing much of her past wrongs and present misery. England might, with much greater truth, be said to be a conquered

* Strafford justified himself and his tyrannical government of Ireland before the English Council, on the ground that she was a conquered nation.—See Clarendon’s Hist. Rebell.

nation; for William the Conqueror's invasion was resisted with violence, whereas Henry received not the least opposition. He came into Ireland at the mandate and with the sanction of a power, then deemed by the entire of Christendom sufficient to dispose of kingdoms; and, as the delegate of the Pope, had his claims allowed. Englishmen, and indeed a large portion of the Irish people at the present day, are unwilling to recall the occasion of Henry's invasion of Ireland; yet the avowed title of the English monarchs to the lordship of Ireland was for ages, by those monarchs, founded upon the donation of the Pope; and rebellion to them was treated as a spiritual as well as civil offence, and as such punished by excommunication. The bull of Pope Adrian gave the lordship of Ireland to Henry, on condition of bringing her schismatic people into the unity of the Catholic (Roman) Church, or rather under the authority of the Roman see; and with the assistance of the superior orders of the clergy, who sighed for the pomp and dignity enjoyed by the Romish prelates, he succeeded in establishing, together with the authority of the see of Rome, a precarious dominion for himself, as Lord-Paramount over the Irish princes and people. In return for their submission, he granted to both large concessions; to the king of Connaught, that, yielding submis-

sion and fealty, he should hold his kingdom under him ; and to the Irish people generally all the rights and liberties enjoyed by his English subjects. In contradiction to this, it may be alledged, that Earl Strongbow, and the other adventurous knights who accompanied Henry in the first Anglo-Norman expedition into Ireland, obtained large grants of land in the country ; but the sequel will show that they were not so properly grants, as confirmations of grants from Dermot Fitzmurchard, the Irish king of Leinster, in return for their having assisted him to regain his kingdom. Indeed, what mainly contributed to the extraordinary success of these adventurers, was their readiness to act as mercenaries, in the intestine feuds of the country ; and their craft in fortifying their precarious titles by alliances with the native princes. To admit, however, that the Irish, in their desultory struggles to resist their invaders, were almost uniformly defeated, is only to say that they experienced the same fortune with the different nations who had been opposed to the same victorious foe. Forsaking their Gothic fastnesses, the Northmen or Normans took the lead among their fellows of the “ Northern Hive,” (as those nations have aptly been described,) overran the ancient kingdom of the Franks, and possessed themselves of its fairest provinces ; seated one of

their victorious leaders upon the throne of Britain, and settled themselves in the sunny regions of southern Italy. But in these countries they happily soon became identified with the conquered people. Each adventurous leader, owning no superior, fixed his seat of government in his new conquest, and carved out the conquered lands among his followers, to be held by that military tenure, from which the feudal system was derived. But Ireland, with her divided monarchy, broken up into petty and independent states continually at war with each other, was calculated neither to resist, nor soon to amalgamate with their invaders. The Irish toparch or chieftain, was elected by his tribe, and was almost independent of his provincial sovereign; they ruled in their respective districts as petty princes, making war or peace with their neighbours, and administering *justice*, or rather oppression, in their own wild fashion, without control. The provincial kings, again, scarcely did more than recognize the authority of the supreme monarch, who, always viewed with suspicion and jealousy, could only ensure obedience when he had power to enforce it. It is almost needless to point out the confusion and disorders incident to such a system, and the civil wars and commotions to which it was continually giving rise, or the impossibility of such a people acting in concert

when called upon to resist foreign invasion, and oppose a common enemy.

Tempted by this state of things in the previous century, hordes of Danes had not only made descents on the Irish shores, and ravaged the country, but had formed permanent settlements in the maritime towns on the eastern coast of the island, from which not even the wisdom and valour of Brian Boromhe, the most powerful of the Irish kings, could expel them. To the Danes, also, the Anglo-Normans were much indebted for their introduction into Ireland. On the first intelligence of the intended invasion, they sent an embassy to Henry, promising him support, and reminding the Normans of their common origin. I have said that the Normans in other countries identified themselves with the conquered people, that their successful leaders were free to fix their seat of government amid the scenes of their conquests. Not so in Ireland—the Anglo-Norman leaders were the subjects of the most powerful and politic monarch of Christendom, whose jealousy took the alarm at the slightest attempt to lessen their feudal dependence. Busied, however, with the affairs of his continental dominions, Henry seemed to have abandoned any immediate intention of availing himself of the advantages held out by the bull of Pope Adrian, or of taking any very active

steps to exterminate the heresy of the Irish, though urgently entreated to the task, as a pious son of the church, by the Roman pontiff:—But he was quickly roused by the news of the successes which attended Strongbow, and the other adventurous knights, who accompanied the king of Leinster (to whom Henry had given license to raise auxiliaries) into Ireland; but more than all, by hearing of the broad lands with which the traitor king had rewarded his foreign associates. Hitherto, the English king had contented himself with assuming the empty title of Lord of Ireland—he now, however, passed into Ireland, and not only demanded homage of the Irish princes, together with their oath of fealty, but he compelled Earl Strongbow and the rest to surrender up to him their recently-acquired possessions, and to receive them back to be holden in vassallage, from him and his successors. Henry and his immediate successors were well disposed to conciliate the native Irish, and it was not their fault that the full benefit of the English laws and constitution were not extended to them simultaneously with the English connexion; but this was quite opposed to the mercenary designs and interests of the adventurers who followed Henry into Ireland, and from among whom the Lords Deputies were generally selected. It could not be supposed that they would encourage a system of

conciliation, which would effectually close up the means of aggrandizing themselves, by the expulsion of the native Irish, and the confiscation of their lands. From henceforth Ireland was doomed to experience that worst and most corrupt of administrations, that “vice of kings, vicegerent” — a government by deputy. By degrees, and on various pretences, the rights and privileges granted equally to the Irish people, were restricted to the inhabitants of the English pale, a district comprehending only a few counties in the neighbourhood of Dublin. In vain, from time to time, but more particularly and solemnly in the reign of Edward I., did the Irish complain of this breach of faith, and petition for the benefit and protection of the English laws, till at length, despairing of justice, and exasperated at its denial, instead of a loyal people, the Irish were made, what acts of parliament continued to call them down to the reign of James I., “the *King’s Irish enemies*.” But these cruelties recoiled upon the heads of the English themselves. The great Anglo-Norman lords beyond the confines of the pale, in administering the affairs of their extensive palatinates, soon found they had nothing to expect from the English government, or rather that they had everything to apprehend from the new adventurers constantly arriving from England, who looked with jealous

eyes on the vast estates which had rewarded the exploits of the first English invaders. Influenced by these fears, they were gradually drawn into alliances with the Irish princes, till, at length, the Anglo-Norman nobleman frequently united in his person the character of a feudal lord and an Irish chieftain, and the descendants of these invaders began to identify themselves in some degree with the people whom they had despoiled, and among whom they had settled. This was looked upon as so great an evil, as to call for legislative interference by the English government. It was called “degeneracy” by the *Noves Homines*, and gave rise to the remark [the recital indeed of the Irish statute] that the English became more Irish than the Irish themselves—“*Hibernis ipsis Hiberniores.*” The terms, English by birth and English by descent, soon began to be used invidiously to distinguish those parties in the distracted politics of Ireland, whose only bond of union was their common hatred of “the mere Irish.” Towards each other they entertained the bitterest feelings of envy and distrust, nor did they always confine themselves to inactive dislike. As the English by birth generally enjoyed the confidence of the sovereign and possessed the great offices of the state, they were frequently able, by oppression, to goad their adversaries, the ancient nobility,

into rebellion, when they were sure to reap a rich harvest by attainder and confiscation. Thus they experienced the same injuries which their ancestors had inflicted on the Irish chiefs and people; and, as a judgment for their iniquity, the conqueror, and conquered were involved in one common ruin.

CHAPTER II.

HISTORICAL SUMMARY CONTINUED.

WE cannot be surprised that the Reformation made no progress in Ireland. From its introduction, almost down to our own times, it was made the pretence for the most cruel and oppressive conduct, ever exercised against an unhappy people. Lord Clare states, that of twelve millions of acres which Ireland contains, eleven and a half underwent confiscation in the 17th century, and the enforcing the tyrannical laws against recusants was a settled source of revenue during the reigns of James I. and Charles I. but more particularly an act passed during the reign of Elizabeth, entitled “an act for the uniformity of public worship,” which mulcted in a penal sum those who did not attend their parish churches, and directed that the fine should be given to the poor. This part of the enactment, however, the rapacious ministers of that monarch evaded on the ground that the

poor were chiefly Popish recusants, and that to distribute it to them would be a bounty to idolatry. In addition to the pecuniary penalties, the parties offending were subject to ecclesiastical censure, which was made an instrument of the most grievous tyranny and extortion. The immediate results of the attempt to force the Reformation on Ireland was to unite all the old English of the pale and the native Irish, and array them in hostility against England, and well nigh to sever the two countries. It produced those desolating wars during the entire reign of Elizabeth, which drained the treasury of that sagacious princess, and cast sometimes defeat, and always disgrace, on her arms, elsewhere constantly victorious. No Englishman can read an account of the transactions in Ireland during this reign (of which, and not without some reason, Englishmen are so proud) without blushing for the violated faith of his country, and the tarnished honours of some of the proudest names associated with its history. The poet Spenser was secretary to that Lord Deputy who, in the year 1583, when the garrison of Smerwick, in Kerry, surrendered upon mercy, ordered seven hundred of the wretched inmates to be put to the sword or hanged, and this detestable and cruel service was committed to Sir Walter Raleigh; who for exploits like these, had forty thou-

sand acres of land in Munster bestowed upon him.

The constant demand made by O'Neil, the great Earl of Tyrone, on behalf of his Roman Catholic countrymen and himself, was, the free exercise of their religion; and to this reasonable request the Queen was well enough disposed to listen, but this by no means accorded with the rapacious designs of her officers in Ireland. They were determined, no matter by what means, to carve out estates for themselves, and the forfeiture of the Earl of Desmond's vast estates in Munster was too tempting an encouragement to a similar act in Ulster. In the wars of Elizabeth in Ireland, we have many instances of the valour of the native Irish when roused by the barbarous oppression of those who assumed the mask of religion, to conceal the most inveterate hatred to their race and country. Many lords of Anglo-Norman descent, who, long since their countrymen by adoption, should have formed with them a common people, united with the native princes to revenge their common wrongs; and the signal defeat of the English army under Sir Henry Bagnall, at the Blackwater, seemed to threaten with ruin the English power in Ireland. "The preservation of the kingdom now became the most serious object of attention in the councils of Elizabeth, and nothing but a formidable

army, headed by a brave and skilful general, it was agreed, could preserve the country.”*

The Earl of Essex, the Queen’s favourite, and one of the most accomplished soldiers of his time, was sent over as Lord Deputy, with the fullest powers, and largest and best appointed army ever before led into Ireland. Every reader of English history knows the disastrous results of this great expedition. O’Neil, more formidable than ever, maintained his position in Ulster, while Essex, baffled if not defeated, returned into England, to satiate the vindictive passions of his royal mistress, and the envious malice of her servile courtiers, by his death upon the scaffold.

In reprobating the excesses and persecutions perpetrated under the plea of furthering the Reformation, I would by no means be supposed to undervalue the inestimable benefits which, with the entire of Europe, we have derived from that glorious event. As well might we cast discredit upon Christianity, because of the atrocities perpetrated in her name by the Spaniards in Mexico, as upon the Reformation, because it was furthered by the lust and tyranny of Henry VIII. The Tudor monarchs and their servile courtiers were strangers to the prominent doctrines of the Gospel, toleration and charity. Coke, in his violent prosecution of his political enemy, the unfor-

* Leland, vol. ii. p. 351.

tunate Essex, brought forward, as a treasonable charge against him, that he had given his consent, when Lord Deputy, to the demands of the Irish for liberty of conscience. The truth is, that both the Romanists and Reformers of the time agreed in the legality of using persecution as a means of enforcing their respective tenets. But though the wars in Ireland have been attributed to religious zeal, I am far from inclined to think it was the sole cause. The extermination of the native possessors of Leix and Offaley, in the reign of Mary, and the replantation of those districts under their present names of King's and Queen's County, cannot be surpassed in barbarity by the cruelties practised during the wars of her Protestant successors. But there is this distinction when Protestants resort to persecution to establish their creed, they do in effect overthrow the pillars of their faith, viz.—“the Bible, and the right of private judgment to interpret it.” But when Roman Catholics persecute, it may be said in their justification, that they do so under the sanction of the authoritative Decrees and Councils of their Church. Let us then, as Protestants, whatever be our distinction of sect or party, have one common rallying point, viz. a just abhorrence of persecution, and a determination to uphold religious as well as civil liberty. The reign of

Queen Elizabeth has an unhappy pre-eminence in the dark annals of crime and cruelty, which disfigure the history of Ireland. It is indeed not a little remarkable that the brightest periods of English history have often been the most fatal to the liberties of the Irish people. The attempts made to force the Reformation upon Ireland were unsuccessful. England was the means of establishing the ascendancy of the Roman See in Ireland, and she now found it beyond her power to overthrow it; and as no revolution in religious opinions was ever produced by force, but must be the work of conviction, so the people of that country refused to change their creed with every new sovereign.

But, indeed, it is questionable, whether the English authorities in Ireland really desired the adoption of the reformed faith on the part of the people. The public men of this period, and the courtiers of Elizabeth in particular, are remarkable for a dark and unscrupulous policy, whose open avowal shocks the reader of the state papers of this period. They readily perceived that the bigotry of their mistress, and the attachment exhibited by the Irish to their religion, might be made the fertile means of enriching and aggrandising themselves. The wars in Ireland continued to drain the royal treasury, and filled the

heart of the Queen with the corroding pangs of a tardy remorse.* Famine and the desolating policy of the generals who succeeded Essex, at last effected what the sword could not. They made “a desolation, and called it peace.”

When James I. ascended the throne he caused a general amnesty to be proclaimed in Ireland, whereby the people were secured from prosecutions for offences against the Crown, or for trespasses between subject and subject, during the preceding reign. “This bred,” says Sir J. Davis, “such comfort and security in the hearts of all men, as thereupon ensued the calmest and most universal peace that was ever known in Ireland.” But this returning tranquillity was soon interrupted; and although the king treated his Roman Catholic subjects in England with considerable indulgence at the commencement of his reign, his government in Ireland treated their co-religionists with the greatest severity. The act called the 2nd of Elizabeth, and said to have been passed in the Parliament of the Pale, (but which has been with good reason doubted, as a majority of that assembly was Roman Catholic,) was now rigidly enforced; this act obliged all Roman Ca-

* It is said that as her bigoted sister declared that “Calais” (quære *callous*) should be found engraven on her heart, so the dying hours of Elizabeth were disturbed by the fearful thoughts which her government of Ireland suggested.

tholics to assist at the Protestant Church service every Sunday, and subjected for every omission to a penalty of one shilling, and (what indeed was infinitely more grievous) they incurred an ecclesiastical censure for each default. The most respectable of the Roman Catholic body, under the title of *inquisitors*, were particularly appointed by the state to watch and inform against those of their own communion who refused, from conscientious scruples, to comply with the tyrannical injunctions of this Act.

This odious statute, in the second year of his reign, James, disregarding his solemn and repeated assurances of religious toleration, ordered to be enforced, in a proclamation remarkable for its tyrannical and arbitrary spirit, it recites, “ that whereas his Majesty was informed that his subjects of Ireland had been deceived by a false report, that his Majesty was disposed to give them liberty of conscience and the free choice of a religion contrary to that which he always himself professed, by which means it has happened that many of his subjects of that kingdom had firmly resolved to remain constantly in that religion, wherefore he declared to all his beloved subjects of Ireland that he would not admit any such liberty of conscience,” &c. The fate of his unhappy successor, trained to adopt such overweening notions of kingly power, and possessing the courage which he

wanted to put them in practice, might even then have been foreseen.

It is singular that James should have lent himself to the policy of the Puritans, in persecuting the Roman Catholics for their religion. The son of the unfortunate Mary Stuart (who was considered by that church as a martyr) might naturally be supposed to entertain no very friendly feelings towards those who, by their conduct as well as their sentiments, expressed in their sermons and discourses, had shown very little regard for either his royal person or prerogative. But James was, with all his pedantic learning, a weak monarch; and though he seemed sensible that the Puritans were not the real friends of the monarchy, he wanted strength to oppose them in their rancorous and unscrupulous assaults on the privileges and properties of his Roman Catholic subjects, to whom he had promised protection. We find him indeed occasionally interfering; he dissolved the English parliament when they recommended a renewed persecution, and ventured to assert his royal prerogative in appointing some of that persuasion to the great offices of the State. Indeed, in his intercourse with the ambassadors of foreign powers, he constantly declared his anxiety to govern all his subjects with impartiality, and speaks with tenderness and respect of the Roman Catholic religion. But though he boasted, as the

first claim he possessed to the allegiance of his Irish subjects, that he was descended from their ancient kings, and, notwithstanding the promises he had made in Scotland, to the deputation from the Irish Roman Catholics, he abandoned them to the tender mercies of the Puritans, who possessed the entire government of Ireland during his reign. Duplicity and ingratitude were the leading traits in the character of this worthless monarch; like his family, he treated his enemies with unmerited favour, and his friends with ingratitude.

The plantation of Ulster exhibits his perfidious and mercenary disposition in the most odious light. To fill his coffers and minister to his base cupidity, he scrupled not to give his sanction to forged conspiracies, which might afford a pretext for stripping a brave and generous people of their possessions, whose struggles for conscience sake, though we dissent from their creed, must yet excite the best sympathies of every noble nature. By his plantation schemes, James was also enabled to gratify another of his passions, and to provide for his Scottish favourites, who were not in those times less distinguished for a “canny” regard to their own interests than in our own days. Much of the wealth and splendour of London is derived from the confiscations made by this avaricious monarch, “in return for pecuniary

aids." Englishmen, in perusing the accounts of the oppressions practised in Ireland during the reign of James I., may imagine they were exercised upon a hostile and foreign people, but in this they are greatly mistaken. In the remonstrance of divers lords of the Pale, to the king concerning the Irish Parliament, in 1613, they thus express themselves: "For we are those, by the effusion of whose ancestors' blood, the foundation of that empire which we acknowledge your Highness, by the laws of God and man, to have over this kingdom and people, was *first laid* and in many succeeding ages *preserved*." Under the terms of rebels and traitors during the civil wars of this period, will be found ranged the names of some of the best and oldest Anglo-Norman families of the Pale, while those who bestowed on them the epithets will be found to belong to that malignant and traitorous party who conducted his son, the unfortunate Charles I., to the scaffold. By the vast forfeitures of lands in Munster and Ulster, consequent on the rebellions in this and the preceding reign, (the greater part of the latter province indeed having become vested in the Crown by confiscation,) James was enabled to carry out to the utmost his schemes of colonization in Ireland. Encouraged by his government, the stream of emigration set in from England and Scotland, and Protestant settlers were located on

the estates forfeited by the Irish Catholics. But he soon perceived that amongst a hostile people, differing from them in language and customs, and indignant at the spoliation they had suffered, more than ordinary protection was required for his infant colonies. For their security, therefore, he created, by charter, sixty-seven exclusive Protestant corporations, with a power to each of returning two members to Parliament: from this event we may date the parliamentary history of Ireland; for we can hardly consider the assembly of the Pale an Irish Parliament; for, in violation not only of the intention but of the solemn ordinances of the English monarchs of the line of Plantagenet, that the Irish people should enjoy all the rights and privileges, and be governed by the same laws as their English subjects, only six counties in Ireland were allowed to return members to the Parliament of the Pale.

But this parliamentary institution of James I. was inherently vicious, and fatal to the tranquillity of Ireland. The interests of this newly-elected body and the Irish people were essentially adverse. They were not their representatives; but the representatives of a faction of planters; and as every acquisition of strength to the great body of the people shook their security, so every forfeiture and law made for their depression, extended the territory and fortified the power of

the settlers. This anti-national party in the Irish Commons, forming an overwhelming majority, not only controlled but soon constituted the government, between whom and the people they governed there existed no other relations than mutual distrust and ill-will. The maxim that power should be lodged with the few, for the benefit of the many, a principle which, though abused and perverted, has been at least admitted in almost every age and country, in Ireland alone has been theoretically as well as practically denied. There the subjection and debasement of the many was necessary to the welfare and even the existence of the few, and the dire effects of this destructive policy are still visible in our day, in the unexampled wretchedness of the Irish people.

When Charles I. ascended the throne, he found the affairs of his kingdom, both foreign and domestic, in a state of the greatest distraction—at war with the two most powerful kingdoms in Europe, while at home a spirit of republicanism and insubordination, masking itself under the garb of religion, had long been growing up in England.

The English Parliament, though it had been instrumental in involving the King in those foreign wars, refused to vote the necessary supplies, except on terms incompatible with what was then deemed the essential prerogatives of

the crown. In this crisis, the Roman Catholics of Ireland offered to pay an army of five thousand foot and five hundred horse for his majesty's service, provided they were permitted the free exercise of their religion. The toleration they desired was merely a respite from the extortions of the Ecclesiastical Courts, by having all proceedings against them in these courts for religion suspended ; and to have the exorbitant surplice fees of the Protestant clergy, for births, marriages, and burials, abolished. Certainly the vices and irregularities of the Irish clergy, complained of by Spencer in the reign of Elizabeth, were far from corrected in the time of Charles I. "The Protestant clergy," says Carte, "were generally ignorant, loose, and irregular in their lives and conversation." And Strafford himself gives us an account of the Protestant bishops "alienating their principal houses and domains to their children, and farming out their jurisdictions to strangers and unworthy persons."—See *State Letters*, vol. i. p. 187.

Yet, although standing so much in need of indulgence themselves, and of that "charity which hopeth all things," all ideas of toleration to the Roman Catholics was vehemently resisted by the Protestant bishops and clergy. It should be recollected that there was a strong Puritanical leaven in the constitution of the Reformed

Church in Ireland at this period. And the colonies planted in Ulster by King James were supplied with religious pastors chiefly from Scotland, where the most rancorous hostility to Romanism was entertained. The learned and justly-celebrated Bishop Usher, who is said to have imbibed much of the Calvinistic spirit, assembled at his own house several of the Irish prelates, when it became known that the King intended to conclude a peace with the Irish Roman Catholics, on the terms of religious toleration, "to bear testimony against the ungodly concessions to Popery, meditated by the state." In the year 1628, in consideration of a free gift of one hundred and fifty thousand pounds, two-thirds of which the Roman Catholics contributed, the King promised them certain *graces*, (for this was the delicate phrase then used by royalty to express the *rights* of the subject,) and to follow up his promise, ordered his deputy in Ireland, Lord Falkland, to take the grievances complained of by the Roman Catholics into consideration, with the view of confirming these *graces* by Act of Parliament. But the Puritan party, who possessed the entire government of Ireland, took care there should be various pretexts for delay ; and Lord Falkland was soon after succeeded in his government by that evil genius of Ireland, the unfortunate Wentworth, afterwards Earl of

Strafford. Wentworth urged the King to violate his former promises to the Irish people, and, to bring him round (as he himself tells us) to his opinion, represented the impolicy of keeping them. The acts against recusants were a source of revenue, which, in the existing state of the royal treasury, could not well be dispensed with. So that when the Irish Parliament ventured to remonstrate upon the non-performance of his majesty's promise, relative to a parliamentary confirmation of the royal graces, he did not hesitate to threaten that if they refused the necessary aids, he would levy them without their leave, by the exercise of the royal prerogative. Under the apprehension that the Irish Commons would insist on the performance of his promise, Charles told the Deputy "that it would not be worse for him, though that Parliament's obstinacy should make him break with them;" "for I fear," adds he, "that they have some grounds to demand more than it is fit for me to give."—Carte's Ormond, vol. i. p. 233.

In 1640, the Roman Catholics seeing that there remained no hope of redress, that the King was unwilling or unable to keep his solemn promises plighted to them, and perceiving that the whole executive authority of the crown was vested in the Long Parliament, resolved to take up arms to maintain (as they constantly ex-

pressed themselves) “his majesty’s prerogative, and their own liberties ;” but among the primary causes of this disastrous civil war, perhaps the most provoking was, “the Commission to Inquire into Defective Titles,” one of the most flagitious proceedings that ever disgraced a government.* Owing to the confusion caused by the long domestic wars in the two preceding reigns, the title-deeds of men’s estates had very generally been lost. This made Strafford conceive the idea of extending the plantation system of Ulster into Connaught and Ormond. It was generally conducted on this plan : the natives were obliged to surrender their estates to the crown, who granted these estates again (retaining to itself one-fourth) at an increased rent. Though these odious proceedings were professedly undertaken for the improvement of the King’s revenue, the projectors, who obtained the Commission of Inquiry, were the parties chiefly benefited. The ingenuity of the court lawyers was diligently directed to endeavour to invalidate titles ; and Strafford prevailed upon the King to bestow four shillings in the pound upon the Commissioners of Defective Titles, which, as he afterwards says, “he had found to be the best given money ; for by it they did that business with as much care and diligence as if it was their own private, and

* See Appendix, No. 1. p. 84.

that every four shillings paid, would better his majesty's revenue four pounds.—Straff. State Letters, vol. ii. p. 41.

The number of Protestant settlers who are said to have been massacred in this insurrection, is grossly exaggerated by Temple, and even Clarendon. Dr. Warner, who seems to have taken considerable pains to arrive at a correct estimate, and who, as a zealous Protestant, will be admitted by that party, says the number does not exceed two thousand one hundred and nine. Yet the great English historians adopting the "stupid legend" of Sir William Temple, say, "This insurrection commenced with an universal massacre of the English." In truth, the Irish have not suffered more in their persons and properties, in those days, by the English sword, than they have since, in their character, by the English historians.* The best and noblest and most loyal men in the kingdom, who, after having vainly petitioned for toleration to their religion, and enjoyment of the rights of property, at last driven to the fatal necessity of taking up arms, are confounded by these libellers with the meanest of the Irish rabble, who followed them merely for plunder. But our surprise at the systematic exaggeration and perversion of truth by these writers will disappear,

* Curry. Civil Wars of Ireland.

when we recollect that the Puritan party to which they belonged were deeply interested in misrepresenting the Irish nation to the English king and people. “Whatever,” says Dr. Leland, “were the professions of the chief governors, the only danger they really apprehended was a too-ready suppression of the rebellion. Extreme forfeitures were the favourite objects of them, and of their friends.”—*Hist. of Ireland*. vol. ii. p. 160. “Petty was secretary to the Regicide Ireton, and made an estate of five or six thousand pounds a-year by the forfeitures.”—*Harris’s Writers of Ireland*, fol. 35.

It would be a sufficient vindication of the Irish nobility and gentry, that they petitioned his majesty, “That all murders committed on both sides should be examined into by Parliament, and the actors in them excluded from the acts of indemnity and oblivion.” *Insincerity*, the great fault of the Stuarts, was in a peculiar degree that of the infatuated Charles I. To his hypocrisy and deceit, may be attributed some of the most fatal transactions of his reign—perhaps his tragic end; for, before his blood had dyed the block, there was no party in the state who would put faith in his promises. The unhappy monarch had a most difficult task in Ireland. On the one side, to redeem his pledged faith and royal word to the Irish people, and on the other, not to alarm the Scottish Covenanters

and English Puritans, who considered it unholy to hold any terms with Papists, but wanting courage to adopt either line of conduct, he resorted to deception. His Deputy in Ireland, the Marquis of Ormond, was instructed to conclude a private treaty with the Irish, which, if occasion required, the King could readily disavow. Ormond, however, was more inclined to try the effect of conciliating the Parliamentarians. The Lords Glamorgan and Digby were then sent over, fully commissioned by the king to conclude a peace upon the terms required by the Irish Catholics, and they faithfully and zealously set themselves to work in this good office ; but this getting abroad in England, the King, then in the hands of the Scots' army, in a letter dated from Newcastle, was compelled to disavow this commission.

Notwithstanding all this, at the close of his disastrous reign, Charles's hopes of a restoration to royal power seem mainly to have been based on the loyalty and attachment of the Irish people ; as, in the beginning of his reign, Strafford was witness to the zeal they manifested, observing that "he found them as ready to peril their persons, as to open their purses, to serve his majesty." The execution of the King followed close upon his disavowal of the treaty with the Irish Roman Catholics.

The sword and transportation were the means

resorted to by the fanatic Cromwell to subdue the unfortunate Irish Roman Catholics. Having accomplished his purpose, he found it necessary to remunerate the services of his successful soldiery; and for this purpose gave them debentures upon the estates of the Irish proprietors, and put them in the actual possession of the lands till those debentures should be paid. To secure to them the temporary possession, he extended the policy of James as to the modelling of the corporations; and so orderly, so general, and so successful was this arrangement, that not a single Roman Catholic was returned to the first Parliament summoned after the Restoration. In this Parliament was passed the Act of Settlement, by which the estates of the Irish Roman Catholics were transferred to, and perpetuated in, these English adventurers.

James II. seems to have conceived that a Parliament, whose interests were diametrically opposed to those of the people, was not a constitution which tended to the benefit of that people. He therefore declared against the corporations, and proceeded to enforce from them a surrender of their charters. But before his project was completed, his abdication effected that which to England was a glorious revolution, but which to Ireland was a confirmation of a vicious and hostile system. The brave and obstinate

struggle which the Irish people made in defence of King James, was not so much from a devoted loyalty to the person of that monarch, as from the consciousness that, in his cause, were involved their rights and liberties as a nation, and they felt that whatever cause of complaint the English people might have against his government, it afforded his Irish subjects protection from spoliation and religious persecution. It has been the fashion to vilify the Irish Parliament summoned by King James, and held in Dublin during his residence there, but they acted with a spirit of patriotism and zeal for the general interests of the kingdom, seldom exhibited by that assembly; and the falsely-called Popish Parliament of King James not only suggested, but enacted a statute, declaring the independence of the Irish Parliament. How different was the conduct of William and his English Parliament towards Ireland! Instead of recognizing the constitutional principle admitted by Lord Coke, "that her people could only be bound by the statutes of their own Parliament," they arrogated to themselves the power to legislate for Ireland, and prosecuted with the utmost rigour those who denied this power. In his prohibition of the Irish woollen trade, which, at this period, was sufficiently prosperous to awaken the sordid jealousy of the English Parliament, William manifested such dis-

regard for the interests of Ireland, as we might suppose would have sufficed to unite in one common feeling of indignation the Irish Parliament and people. Indeed, the great champions of English liberty at the Revolution were the bitterest tyrants of Ireland, and seemed only desirous to forge new chains for her unhappy people. The Protestants of Ireland, both Churchmen and Dissenters, had powerfully assisted the cause of the Revolution. They had succeeded in establishing the power of the Prince of Orange, and with it the subjugation of their Roman Catholic countrymen, the great majority of the nation ; and having done so, they supposed that England would treat the Parliament that represented them (the besotted creatures of a faction) as the supreme legislature and the representatives of a free people. They had a bitter lesson to learn. "Where there are inhabitants but no people, a free government cannot exist." "Your ancestors" (said the eloquent Curran to the Irish Parliament of 1796) "thought themselves the oppressors of their fellow-subjects, but they were only their *jailors* ; and the justice of Providence would have been frustrated, if their own slavery had not been the punishment of their vice and folly."

The Irish Houses of Parliament, abandoning for a short interval the persecution of the Ro-

man Catholics ventured to show some symptom of reviving patriotism, and assert their own legislative independence, credulously supposing that their great zeal for King William would justify the daring experiment. But the fate of Molyneux* and his celebrated book (from which I have largely quoted in this treatise) soon dissipated all their hopes; and they perceived that the only power they would be allowed to exercise, was the power of persecuting and torturing their fellow-countrymen, now no longer able to resist their oppressors. Everything, in fine, that would tend to lessen the dependence of Ireland upon England, was sedulously discouraged by the English monarch and people. It was considered that the cultivation of literature and the progress of philosophy would tend to give the people some notions of their natural rights; and, above all, teach them their moral weight in the national scale. Education was, therefore, forbidden, both at home and abroad, and by this refinement of policy were the Irish

* This book, entitled "The case of Ireland being bound by English Statutes," and which is a very learned and temperately written work, excited extraordinary animosity in England; it was ordered to be burned by the hands of the common hangman, and the English House of Commons, in an address to the Crown, prayed that the Attorney-General might be directed to institute proceedings for punishing the author.

people, step by step, degraded to a state inferior to that of the wandering Arab.

The effect of this policy upon society at length became too visible ; it was divided into two estates,—a narrow-minded and selfish aristocracy, with no care but that of supplying their luxuries and supporting their authority, and a wretched and savage peasantry, without any obligation or restraint but that of religious superstition. Upon the face of the country it became no less conspicuous ; sterility reigned over once fertile plains, and emigration desolated every village. A land on which the God of nature had lavished the gifts of nature even to profusion, “ whose situation, climate, soil, rivers and harbours, supplied all the means for the successful cultivation of the arts, for agriculture and commerce, was, by the fatality of its constitutional organization, denied the benefit of those natural advantages, and the bounty and the providence of Heaven marred and blasted by the weakness and the wickedness of man.” The foregoing powerful sketch is taken from the “ Union Pamphlets,” a work of great value, but unfortunately scarce—from the perusal of which, no candid reader can rise without a deep conviction of the necessity of an union between the two countries—a necessity which, speaking *politically*, sanctioned the means

by which it was carried. With the Union the separate history of Ireland terminates.

As the most conclusive answer to the invectives of Mr. O'Connell against the Union, let it be borne in mind that it was an Irish parliament that sanctioned and passed that dark catalogue of penal statutes against their fellow-countrymen, which I have, with feelings of pain, been compelled to review. If it is objected that the parliament of Ireland passed them when subject to the control of that of England, it is enough to say, that when its independence was declared in 1783, it still exhibited the worst vices of that parliamentary system settled by James I. It was the parliament of a section and party, and did not represent the Irish people. Their petitions for civil and religious liberty were uniformly rejected, and without a civil war, Ireland would never have obtained either Catholic emancipation or parliamentary reform from her own legislature.

If Ireland, with a parliament of her own, were to continue connected with England, her parliament must be *subordinate* to that of Great Britain ; and suppose this subordination effected, we cannot imagine a more corrupt and servile system of government. The Irish people could have no security for their liberties, in the existence of such a parliament ; and the right to

elect [their representatives to it, would be only a solemn mockery.

That Ireland, but more particularly the Irish metropolis, has suffered in some respects from the Union, cannot be denied—but if it has increased that great evil *Absenteeism*, the remedy for the evil is in the power of the united parliament, and we may justly expect England will be less reluctant to apply it. One of the greatest evils of the existence of a separate legislature in Ireland was, that her voice was unheeded, or rather unheard, in the councils of Great Britain, and, consequently, she possessed not the advantage and protection which the enlightened public opinion of that country would have afforded. In vain did the miserable people of Ireland petition for the redress of grievances the most intolerable, or for liberty to enjoy the most ordinary rights of subjects—they were answered only with insult by that assembly which is now either ignorantly or wickedly styled a national parliament! The *Habeas Corpus Act* was continually suspended, and the liberties of the people invaded with the most reckless impunity, yet the sovereign and parliament of England could not interfere; from the era of 1782, orangeman and patriot united to resist any such interference as a violation of the constitution. It is, however, not a little curious that the “Law of Poynings,” against which the

Irish so strongly protested, was long their best protection against successful factions, while its suspension was generally the precursor of those flagitious acts of tyranny which have disgraced the statute book of that country. If Ireland cannot obtain justice in the United Parliament, it is (with the history of the past before us) an argument for *separation*, and not simply a repeal of the Union. The bigoted obstinacy of the sovereign, and the fatal divisions of party, too long postponed those beneficial and healing measures which should have been its immediate accompaniments—a delay which has operated most injuriously on the social condition and prosperity of Ireland. At length, however, we form one united people, sharing in common all the privileges of the British Constitution: and as the interests of England and Ireland are identical, and believing that henceforth the object of British statesmen must be to carry out this identity, I earnestly and hopefully say of this union, “*Esto perpetua.*”

CHAPTER III.

FROM the brief review which we have just taken of the past history of Ireland, we may be able to arrive at the causes which have contributed to give this country so melancholy a pre-eminence among European nations. These causes have mainly been

1. A baneful form and system of government.
2. A corrupt administration of justice.
3. A complete disregard of Irish interests.
4. Neglect in developing the resources of the country.

I purpose briefly to consider these evils, and in doing so, to point out, as I conceive, their respective and appropriate remedies.

I. Of all forms of government, without question, the most mischievous is the monarchical, when exercised by *deputy*. Under it no country has ever prospered. To the tyranny and other evils inseparable from it, some of the nations of Europe owe their independence; others, alas! like

Ireland, their degradation and misery. With the union, however, the necessity for such a government and the vice-regal office has ceased.

I am aware that among Irishmen, and the inhabitants of the Irish capital in particular, there is a very strong, but I conceive erroneous, opinion opposed to the abolition of the vice-regal office; but I trust the good sense of my countrymen will no longer, for the sake of the empty pageantry of a court, allow any obstacle to the intimate identity of the two countries to exist, and which identity, for the interest of both, is so absolutely necessary. While Ireland was governed by her own parliament, there was a necessity for some such extraordinary minister as a Viceroy to represent the Sovereign in the great business of legislation, and who, by holding the assemblies of a court, might support the royal dignity, and give that graceful tone to society which so well accords with the spirit of a monarchy. But with the Union all this has been changed, or rather removed, to a different scene—Ireland has become an integral part of one united kingdom. There is really nothing wounding to the national pride in this, *but the reverse*. Henceforth the concerns of one country are the concerns of both, and Ireland is entitled to share in the advantages, as she has already fully participated in the glories of the empire; she is now the legitimate object of imperial legis-

lation, although it cannot be denied that she does not share as largely as she ought in the great council of the nation. If we hear complaints (frequently, indeed, well-founded) of the apathy and ignorance shown by the English members of the House of Commons, when Irish affairs are discussed, much of this indifference may be traced to our having a separate executive, whose acts and administration may, they conceive, very properly be committed to the Irish members; and instead of, in my opinion, giving increased impetus to the Repeal movement, the removal of the vice-regal court, *if accompanied by measures of practical and substantial benefit to Ireland*, would take away the most provoking incentive to the agitation of that question which has so long been allowed to misdirect the attention and energies of the Irish people.

“ Une cour à Dublin créerait des partis s'ils n'existaient pas.” “ La reforme de la vice-royauté et l'abolition des administrations locales d'Irlande ne sont sans doute que des changements de forme ; mais ces sont des moyens pratiques, indispensables pour exécuter les reformes politiques dont ce pays a besoin.” But while we fully concur with M. de Beaumont, that while in the period of transition the government of Ireland should be placed “ without her”—we must enter our protest against there being any neces-

sity for its being not only *English*, but exclusively entrusted to the hands of Englishmen, which he goes on to recommend.—See “*L’Irlande Sociale, Politique, and Religieuse.*” Vol. ii. p. 188.*

II. To the corrupt administration of justice may be traced those moral evils which have so long disturbed the social condition of Ireland—it would seem to have been incident to the very nature of her government, so systematic and uniform has been its mischievous operation. The Acts passed in the Irish parliament, for centuries after the English connexion, deserve not the name of laws—they are rather the barbarous decrees of a hostile oligarchy. The welfare of the Irish people formed no part in the design or business of legislation; and while they were denied the benefit of the English laws, they were held amenable to all the punishments they awarded. When this monstrous principle was nominally given up in the reign of James I., and all classes of the Irish people were admitted to the protection of the laws and customs of England, the dominant party who retained all the executive powers of the Crown, were careful to defeat their practical application.

* On the subject of the abolition of the vice-regal office in Ireland, Sir H. Parnell has made some very just observations in his useful work on “*Financial Reform.*”

The unfriendly and vindictive character of the administration of the laws, in relation to the Irish people, was equally manifested, and corruption and fraud were found as effectual as open violence. In civil matters, the rights of property were invaded with the same impunity. The trial by jury, the palladium of the liberties of the English people, was perverted to sanction and confirm the most odious acts of spoliation and tyranny ; the lives of the wretched people were at the mercy of the crown prosecutors, for the jurors were coerced to find for the Crown, while the subject's right of challenge was a vain nullity when the entire jury panel had been revised in the council chamber of Dublin Castle. This, I need not say, is only intended to apply to the early judicial history of Ireland, but in it will be found an adequate cause for that suspicious repugnance to the course of legal justice, and of sympathy for the criminals who have violated it, which is one of the strongest and most dangerous features, at the present day, in the character of the Irish peasant, and which we may believe hereditary.

The right to challenge peremptorily, which is the prerogative of the Crown, may at times be absolutely essential to the successful vindication of the law ; but it should never be exercised without the strongest necessity, and a sense of immediate responsibility. It is one of those

prerogatives of the crown which those who are entrusted to watch over the liberties of the people should always regard with the most jealous vigilance. During the administration of Lord Normanby, this prerogative, which I admit to be necessary, was perhaps too stringently restrained; but it was an error on the right side, and justified by the circumstances of Ireland. It was absolutely necessary that the people of that country should repose confidence in the administration of the law, and regard the law itself in a more friendly spirit, as intended for their protection and benefit; and that they should have been encouraged and invited to appeal for redress to the constituted tribunals of their country, instead of their own "wild justice of revenge." And to produce a change so great, a consummation so desirable, it may have been not only justifiable, but wise, to have tempered with more than ordinary indulgence the severity of justice, and to have left for awhile in abeyance this harsh prerogative of the Crown.

In the government of his successor, much of the good promised by this policy was happily realized; for in tempering justice with mercy, Earl Fortescue followed in the footsteps of his predecessor; but as he also declared, on assuming his high office, that he went to Ireland to administer the laws, and not to alter them, the

fidelity with which he adhered to that pledge was evinced in the respect universally entertained for him by his political opponents, and their increased confidence in his government.

If he failed to please the violent men of either party, considering how Ireland is divided, it is the strongest testimony to his justice and impartiality. He has been blamed by those now in power for not suppressing by coercive means the repeal agitation, while their own attempt to do so had formerly been a most signal and mischievous failure. Lord Fortescue more wisely resolved to let the absurdity wear itself out, and it remains to be seen what course his political opponents will themselves take ; whether, as may be more than suspected, they will not prove their own insincerity and his sagacity, by pursuing in office the very course which, out of it, they condemned.

By the government of Lord Fortescue, in a great degree, the Irish people had been encouraged to that extraordinary movement in the cause of temperance, which, let us hope, is the harbinger of a great moral regeneration. If he is to be counted the greatest conqueror who has overcome himself and his own evil passions, what shall we say of an entire people awakening, as if with a common impulse, and casting from them their besetting sin—the national vice which had so long marred the many noble qualities of the

national character : with drunkenness and riot, the crimes and outrages which attend them rapidly diminished ; and when Lord Fortescue quitted Ireland, he had the satisfaction of leaving her in a state of greater tranquillity than at any former period of her history.

But I would not be understood to write as a political partizan ; let justice be purely administered, and good laws enacted, and “ look not the gift horse in the mouth.”

Let the supremacy of the laws be vigorously maintained, but let not the profession of a particular creed, or class of political opinions, exclude any from that share in their administration which as free citizens the constitution has assigned to them. Let the subject’s right of challenge be fully and freely exercised, but let the prerogative of the Crown be strictly confined to the limits prescribed to it by Lord Coke, and only exercised to prevent a failure of justice. It is of paramount importance to the welfare and progressive improvement of Ireland, that life and property should be rendered as secure as, humanly speaking, it can be ; but, while condign punishment is made to follow with certainty on crime, the executive must not exhibit in its infliction a vindictive or hostile spirit towards the criminal, or the class which he may happen to represent. Justice, like Cæsar’s wife, must not only be pure, but above suspicion.

CHAPTER IV.

III. THAT Ireland henceforth must be governed in accordance with the spirit as well as the letter of the British constitution, and as an integral part of the United Kingdom, is no longer a postulate ; it is an axiom which the statesmen of our day, whether Whig or Tory, must not only admit, but practically carry out in the imperial legislature. The importance of the connexion between the two countries, which is universally felt in England, as well as by the more intelligent portion of the Irish people, renders the condition of Ireland, and the evils under which she labours, a subject of the deepest interest to the politician, and of anxiety to the statesman. Irish questions have now more than a *local* interest, and Englishmen no longer stultify themselves with the notion, that they have no concernment with them. There is, indeed, no more

hopeful augury of prosperity to Ireland, than this improved state of the public mind in England. Too much, it is true, has been done by factions and ready individuals to interrupt the good understanding which is steadily growing up between the two countries, and to excite national prejudices, now obsolete and unsuited to their mutual relation: but I am confident that there is in both countries too much sound wisdom to allow feelings of this sort, whether excited by “the Thunderer” of Printing-house Square, or of the Corn Exchange, to postpone, much less to defeat, the imperial interests involved in consolidating the legislative union. I am indeed most firmly convinced that England, (in common with every portion of the British dominions,) if not so immediately, is as deeply interested in the improvement of Ireland as she is herself; and it is only by developing the rich and varied resources of that highly-favoured but neglected country, that the union can be consolidated, or indeed continued. As evidence of the growing spirit of inquiry into the state of Ireland, and among a class where it is peculiarly desirable, I may instance the recent pamphlets of Lords Shrewsbury and Alvanley; and Lord Roden’s in reply to the latter. If not remarkable for profound or statesmanlike views of the important subjects of which they treat, these productions at least ex-

hibit a candid and enlightened spirit, which taken as emanating from the parties which these noble lords may be supposed to represent, promises the happiest results.

The sentiments of Lord Shrewsbury, considering his religious opinions, are highly honourable to him, and it is to be hoped will receive their due weight from his co-religionists in the sister country. Dissenting altogether from the efficacy or expediency of the panacea for the evils of Ireland, suggested by Lord Alvanley, some of his lordship's views in regard to the future government of Ireland are highly valuable; but none more so than those laid down in the opening paragraph.

Yes, there have been faults on the side of England in her dealings with Ireland; but a new Era has arrived. Fair play and justice are the distinguishing characteristics of Englishmen; generosity and forgiveness, of Irishmen: there is need of these qualities on both sides; but let them be but sincerely exercised, party differences will soon be reconciled, and "*justice*," not Mr. O'Connell's justice, but real substantial justice, will be done to Ireland.

Lord Roden's "Observations" are marked by greater ability, and a more intimate acquaintance with the country to which they relate. This was, indeed, to be expected from the noble Earl's po-

sition, but they are distinguished by a hearty sincerity of purpose, and a frank avowal of principles, calculated to gain them favour even with the reader who, like myself, may protest most strongly against their Ultra-protestantism. Like Lord Alvanley, the noble Earl opens with a profession of his political faith, and it is consolatory to the friends of Ireland to hear from such high authority, that the men who have acceded to power are likely not only to exercise it “with justice and decision, to repress lawless violence, to discountenance turbulent agitation”—the old limits of Tory government—but “to make way for the introduction of such salutary measures as will tend to advance our commerce and agriculture.” Yes ; here is the touchstone wherewith to test the future good or bad government of Ireland ; the rest is “leather and prunella,” save inasmuch as they minister directly to these ends. For this practical and common-sense statement Lord Roden is entitled to our thanks. The evils of Ireland at this date are *physical*. The crimes and disorders which disturb society there, can, by the exertion of the most ordinary sagacity, if guided by truth and honesty, be traced to the destitution and misery of her people. This destitution has been the melancholy consequence of frequent intestine wars, excited by a barbarous spirit of persecution on the one side, and a restless

and indomitable love of liberty manifesting itself in repeated insurrections on the other.

I do not hesitate to avow that, in my humble opinion, Lord Roden's view of the establishment of the Reformation in Ireland, notwithstanding the protest of my Lord Clifford, is correct and in accordance with history. There is no fact which can be better authenticated than that the Christian religion existed for centuries in Ireland, before the Church there became dependent upon or connected with the See of Rome. In dealing with the ecclesiastical affairs of that country, this important circumstance should not be lost sight of: indeed, I feel convinced, from the historical learning which distinguished several of the leading members of the late administration, that it received its proper consideration in the settlement of the Tythe Question; a settlement which few will deny to have been highly beneficial to the Established Church. Lord Roden need not have taken such pains to combat the proposition of pensioning the Irish Roman Catholic priesthood, the crotchet, I believe, of a very few persons, ignorant of the character and feelings of that body, and but superficially acquainted with the state of parties in Ireland, and who, too indolent to investigate deeply the causes of the evils of that country, and to search out and apply the appropriate remedies, are only anxious to find

out some plausible palliative “*to quiet Ireland,*” to make use of their favourite phrase. But to propose that the Romish priesthood should be made stipendiary on the State would be, in the opinion of Englishmen, a dereliction of principle : I feel confident, however, that such a project was never contemplated by the late administration, nor, in my opinion, has Lord Alvenley served his party by broaching such a doctrine at this period. It belongs to the profession of Whig principles to admit within the pale of the British constitution, every British subject, without religious distinction, and to extend to all the civil rights and privileges which belong to it ; but the descendants of the illustrious statesmen and the representatives of the great party, who, at the Revolution, not only defined the powers of the Crown, and the rights and liberties of the people, but coupled with these acts a renunciation of the religious system which had nursed and stimulated the despotism they overthrew, can never so belie their principles, as to endow with the funds of this Protestant State the church against which they not alone recorded their solemn protest, but made that protest a fundamental principle of the monarchy. But to return to the proper subject of this Treatise, the condition of Ireland, and we cannot better resume than by proposing to ourselves Lord Alvanley’s question, “How is Ireland to be

governed?" The urgency and importance of the question cannot be exaggerated, and, as his lordship truly observes, it is a question that must soon be resolved. The conservative party have now acceded to power, and Sir Robert Peel is again Prime Minister of the Crown : serious are the responsibilities and solemn the duties of his position—commercial distress, a failing revenue, and a discontented people, are the gloomy circumstances under which he has assumed power ; but as his difficulties are great, so also has been the forbearance of the country. This cautious statesman has up to this time abstained from any definite statement of the measures he intends to propose, notwithstanding the anxiety of the country. We cannot but remember that Sir Robert Peel and his party took upon themselves to frustrate the measures of his predecessors, who conceived that the distresses of the people might be best alleviated, and a revived impulse given to commerce and manufactures, by removing the restrictions on foreign corn, and a new and more enlightened regulation of the import duties. Sir Robert Peel and the Conservative party are now, therefore, imperatively bound to come forward and propose their remedy for the evils which weigh down the industry of the country—evils which they must have been fully cognisant of before they took office, and therefore should

have been prepared to meet with measures as comprehensive and effectual as those suggested by their predecessors.

The patience of the country will not endure beyond the present session of Parliament. The expectations of the people have been, perhaps studiously, excited ; their wants and distresses are urgent, and they will not be satisfied with mere plausible palliatives, nor with partial reforms, however desirable, if forming part of an adequate and enlightened system. When Sir Robert Peel was last in power, he declared that “ his chief difficulty lay in Ireland ;” let him not suppose that this difficulty is got rid of by a few unobjectionable appointments in Ireland. No : as with the financial embarrassments and commercial distress in England, so with regard to Ireland, Sir R. Peel’s government, to succeed, must grapple with the whole question ; considering the course of human events, it is utterly impossible that the union with Ireland can be permanently continued, unless we can bring the mass of the people of that country to the conviction that their interests, national and individual, are involved in its stability. The very opposite to this, however, is the conviction now unfortunately impressed upon the national mind of Ireland, sufficiently manifested by the present repeal agitation. Without entering here into the ques-

tion, how far that agitation may be justifiable, or its mode of operation legal, which, considered merely as a political organisation, to abrogate, by constitutional means, an act of Parliament, can hardly be denied,—without pronouncing on the degree of importance which should be attributed to the Repeal Association, the very existence of such a state of things in Ireland must be regarded as an evil of the greatest magnitude—to say that after forty-one years of legislative union, a large section, indeed I fear I may say two-thirds of the adult population of that country, ardently desire its repeal—is either to condemn the wisdom of that great measure itself, or to admit that its intentions have not been fully or fairly carried out. Now, in my humble judgment, this latter conclusion is the correct one. I not only firmly believe that there was an absolute necessity for the act of union, but that an equal necessity exists for its maintenance; and while I candidly acknowledge that Ireland, but more particularly the metropolis of Ireland, has suffered in a variety of respects by the measure, yet I believe it has led to the greatest improvement in her system of government, and is capable of conferring all that she could desire or expect from a native Parliament. It is only necessary that practically, as well as theoretically, Ireland should be considered as one of the great component parts of the United

Kingdom ; that her interest should be consulted, and her wants attended to equally with those of England and Scotland :—on any other principles than these, it would be slavish in the people of Ireland to acquiesce in the Union. And while the agitation for its repeal is thus justified, an attempt to suppress the public sentiment by coercive measures may produce the most calamitous consequences, and cannot even be made without inflicting a severe wound on the constitution and liberties of England.

If, then, Sir Robert Peel and his colleagues are not prepared to demonstrate by something more substantial than words the earnestness and sincerity of their profession of good-will to Ireland, their government of that country must be a total failure, ruinous to the best interests of both countries.

But if, on the other hand, Sir Robert Peel will fearlessly and honestly, with an even hand, govern Ireland, taking for his chief design the happiness and prosperity of her people, far be it from the truly liberal party to offer factitious opposition to his measures, for no better reason than *because they are his* measures ; or to imitate the spirit manifested by Mr. O'Connell, who, in a recent speech at the Corn Exchange, denounced Lord John Russell “as unfit to be a political leader,” because in a highly honourable spirit to-

wards his political opponents, he bore testimony to the judiciousness of Sir Robert Peel's Irish appointments. Ireland has been too long the victim of party; henceforth measures and not men should be the object of her people. Let Sir Robert Peel then have a fair trial, and if he will act up to his repeated professions, if he will adopt the sentiments delivered for him at Tamworth, by his relation Mr. Yates Peel, great and signal shall be his reward.

I cannot do better than by transcribing here these sentiments, in which every real friend of Ireland, no matter to what party he belongs, must, I think, concur: "All men" (said Mr. Y. Peel) "might not be agreed as to what justice to Ireland meant. If justice to Ireland meant the dealing of 'heavy blows and great discouragement' to the Protestant church—if it meant that the Established Church was to be robbed of its revenues—if it was meant that the Irish Protestant noblemen and their agents were to be murdered in open day—that the assassinations were to be witnessed by many,* and that the assassins were to be suffered to escape, no man interfering—that

* As far as this alludes to the murder of Earl Norbury, this statement is not correct. The facts of that mysterious case, as far as they are known, oblige us to think that no eye witnessed this fearful deed but the sleepless eye of Providence.

no persons were to dare to point out the murderers—if it meant that when a tenant gave a vote to a Protestant landlord, his house was to be marked with a ‘death’s head and cross-bones,’ and himself pointed out to popular execration;—if this were what it meant, he did not know that he should himself be any great advocate for ‘Justice to Ireland;’ but, if it meant that no man should suffer on account of his religious opinions, whether Protestant or Catholic—if it meant that the rights of the Catholic should be respected—if it meant that the mansion of the Irish nobleman, or the cabin of an Irish peasant, should be held as sacred as the residence of an English nobleman, or the cottage of an English labourer—if he meant that the provisions of any Acts of Parliament beneficial to Great Britain should be extended to Ireland;—then he would raise his voice in favour of ‘Justice to Ireland’ as loudly as any person.” Though this description of the state of things in Ireland may be somewhat exaggerated, the feelings, nevertheless, which seem to have dictated it, judging from the conclusion, are highly creditable; and if they are entertained by the speaker’s distinguished relative, should be a source of cheering hope to the friends of Ireland. And surely she offers a noble field for the exertions of the philanthropist and statesman. To open for British enterprise

a new empire in the east, to plant the meteor flag of England on the towers of Canton, and shed abroad in the realms of ancient barbarism the light of European civilization ; to waken the river solitudes of Nineveh and Babylon with the hum of our navigation and commerce ; to vex every sea with our navy, and bear from the most distant shores wealth and plenty to our island home, are dazzling objects of ambition to the British statesman ; but as glorious the achievement, and perhaps more enduring, the inestimable benefits to be derived from consolidating the vital strength of the empire at home ; a design that can only be securely attained by elevating Ireland to the social condition of England, and cementing their union by the indissoluble bond of interest and affection. . But even regarding the question of Irish improvement in a more contracted point of view, it is scarcely possible to estimate the impulse that would be given to manufactures in England by the agricultural improvement of Ireland ; she would then possess for her manufactures (exempt from all duty or restriction) some millions of constant consumers within a few hours' reach of her own factories. By confining myself to agricultural improvement here, I do not mean to imply that Ireland is not well adapted to the successful application of capital in many departments of manufacturing

industry—her past and present commercial history abundantly show the reverse ; but although several branches of manufacture, particularly those that depend on water power, may be profitably cultivated in Ireland, yet, considering her relations with England, and the circumstances of the two countries, I am convinced it is by agriculture, scientifically studied, and practically directed to the great end of increasing the amount of agricultural produce, (and thereby her capital,) that the prosperity of Ireland must be effected. Knowing the feeling that at present exists in Ireland on this subject, I again repeat that I would not be understood to disparage the movement there in favour of native manufactures, so long as that movement is confined to supporting, by open and honourable encouragement, native enterprise and talent ; but at the same time I would recommend my countrymen to beware, lest for the shadow they neglect the substance. Until the domestic circumstances and foreign relations of this country undergo some great and favourable change, and new markets are found to tax to the uttermost the manufacturing industry of England, there will be little room for the manufactures of Ireland ; and the former country must, of necessity, continue to supply her. Competition would be idle ; but why should there be competition ? Were the agricultural power of Ireland

called into full operation, the mutual barter and exchanges of the proper commodities of the two countries must tend to the welfare and profit of both. In no European country is there so wide a field for the profitable investment of capital in agriculture as in Ireland; and those in Ireland who so strongly advocate the cause of manufactures, and are therefore, in my opinion, to some extent, misdirecting the attention and energies of the Irish people, should be reminded of Adam Smith's able review of the comparative value of manufactures and agriculture.

“The capital” (says he) “that is acquired to any country by commerce and manufactures, is all a very precarious and uncertain possession, till some part of it has been secured and realized in the cultivation and improvement of its lands. No vestige now remains of the great wealth, said to have been possessed by the greater part of the Hanse Towns, except in the obscure histories of the thirteenth and fourteenth centuries. It is even uncertain where some of them were situated, or to what town in Europe the like names given to some of them belong. But though the misfortunes of Italy, in the end of the fifteenth and sixteenth centuries, greatly diminished the commerce and manufactures of the cities of Lombardy and Tuscany, those countries still continue to be among the most populous and best cultivated in

Europe. The civil wars of Flanders, and the Spanish government, which succeeded them, chased away the great commerce of Antwerp, Ghent, and Bruges. But Flanders still continues to be one of the richest, best cultivated, and most populous provinces of Europe.”—Wealth of Nations, vol. i. p. 418.

The vast agricultural capabilities of Ireland can scarcely be exaggerated ; if the extent of her exports astonish us at the present day, we can scarcely calculate what they might, by an increased application of agricultural skill and capital, become ; allowing more than a corresponding increase and improvement in the food of her labouring population. It is understood that there is *a full third of the entire of Ireland* in a state of nature, and which never has been cultivated ; and it may be said of the other, the cultivated portions of the county, that *one third*, cultivated equally well, and on the English and Scotch system, would raise as much agricultural produce ; we may, then, from this view of the state of Ireland, and for brevity, conclude that only a third of Ireland is under cultivation.

And such cultivation !—we can scarcely dignify with the name of farming the wretched system of agriculture pursued in a great portion of Ireland, particularly in the south, the most fertile part of the island. Almost everywhere the pros-

pect that meets the eye of the traveller is disheartening in the extreme. In the county of Limerick, which possesses some of the richest pasture land in the United Kingdom, we see wide-extended fields, whose natural luxuriance has long tasked the ignorance and cupidity of the wretched cottier to exhaust, either lying sterile for want of breaking up, or becoming a morass for want of proper draining ; the value of artificial grasses and clover for meadow land, if known to the farmers, is never apparently tested by their experience ; they seem still as averse to innovation in these matters, as when it required legislative enactment to prevent them from ploughing with their horses' tails.

“ The land which is fit for potatoes is fit for almost every other useful vegetable,” says Adam Smith ; but this dictum, which the experience of every Scottish and English farmer has long since confirmed, is practically a dead letter in Ireland. The rotation and green crop system there is almost entirely confined to the gentlemen farmers ; potatoes, wheat, and oats, is the course of cropping, repeated literally “ usque ad nauseam ;” for at length the soil sickens with this sameness, and becomes rank and deteriorated. I am convinced that the recent and frequent failures of the potato crop in Ireland, may be in a great measure traced to this source ; at all times,

notwithstanding the general opinion to the contrary the potato crop in Ireland is inferior in quality to that of England.

There is a common and very good saying in Ireland, "that he is the best friend of that country who causes a potato to grow where one has never before grown:" without undervaluing the worth of this remark, or with Cobbett disparaging the potato, (to which, indeed, I owe too many obligations,) I may add to it that he will still further benefit her, who makes a turnip grow alongside of the potato: I have gone here into detail, perhaps too much; but I consider the practical importance of the subject requires the most minute, as well as general inquiry.

Instead of my views on the state of Ireland, taken in an agricultural point of view, I shall here quote at length from that very valuable work, "Ireland and her Evils," by the late Thomas Sadler, M.P., in whose death Ireland lost an enlightened and philanthropic friend. It is a work which cannot be too much referred to by those concerned in the government of Ireland, as it traces her evils to their true source; and altogether is a most candid and industrious compilation of authentic information relating to the past and present condition of that country.

"Ireland," says this enlightened author, "presents an anomaly on the history and progress of

civilized society. It presents a country supereminently endowed with all those natural advantages, which have elevated, in their turn, every people who have possessed them, gradually sinking in the scale of nations; and exhibiting the astonishing spectacle of a population rapidly increasing in numbers, without, as in all other cases, manifesting any corresponding improvement, either in its character or condition.*

“Millions and millions of acres, now totally waste and idle, a little industry, directed and aided by what is called capital, would enrich with this subterraneous harvest, (the potato crop,) and at the same time clothe with cattle a ‘thousand’ of her barren ‘hills.’

“On the showing of the Emigration Committee, there are in Ireland, at the present time, at least four million nine hundred thousand acres of productive land, uncultivated; besides nearly two millions and a half, deemed (on what authority I know not) incapable of cultivation. According to Mr. Griffith, five millions of acres, now wholly uncultivated, are capable of cultivation; and there is more than one million besides capable of producing corn.

“Ireland, instead of not producing sufficient

* On this subject the views of this pious and excellent writer are honourably and directly opposed to those of Mr. Malthus, and the modern school of political economists.

for the sustenance of her population, produces far more than they ever consume; exporting a greater quantity of its edible products, than any country, of equal extent, in the whole world.

“The population in 1672 was a little above a million; forty persons on a square mile on a soil of surpassing fertility. Yet the wretchedness of the inhabitants was even more conspicuous then than now, when there was not a fifth of their present number. Sir William Petty thus describes the houses of the common people,—‘lamentable sties,’ ‘wretched cabins,’ ‘such as themselves would make in three or four days,’ ‘not worth five shillings the building.’ Spencer calls them ‘sties rather than houses, which were the chiefest cause of the farmer’s low, beastly manner of life, and savage condition, lying and living together with his beast in one house, in one room, in one bed; that is, clean straw, or rather a foul dunghill.’ Lord Clarendon, in describing them,—‘they cannot be called houses, but are perfect pigstyes.’ As to their clothing, he says, ‘It is sad to see the natives such proper lusty fellows, poor, and almost naked.’* In 1718, when the population was still very thin, only seventy on the square mile, we find them still living in extreme wretchedness. Bishop Nicholson, writing to Archbishop Wake, describes the miserable con-

* See Clarendon and Rochester’s Correspondence.—Auth.

dition of the people in the north of Ireland, which he witnessed in proceeding to take possession of these of Londonderry : ‘The wretches lie in reeky sod hovels, and have no more than a rag or coarse blanket to cover them ; on inquiry, I could not find they were better fed or clad in the winter season. A ridge or two of potatoes supports the peasant, his wife, and commonly ten or twelve bare-legged children.’ A little time after Swift thus writes : ‘ Whatever stranger took a journey amongst us, would be apt to think himself travelling in Lapland or Iceland, rather than in a country so favoured as ours, both in fruitfulness of soil, and temperature of climate ; the families of the farmers, who pay high rents, living in filth and nastiness, upon buttermilk and potatoes, without a shoe or stocking to their feet, or a house so convenient as a pigstye to receive them.’

“In the time of Sir William Petty, not one fifth of the population were employed : Galway is not only one of the largest, but one of the most thinly-inhabited counties in Ireland : were the notion of our ancient populationists true, labour ought to be most in demand in Galway ; there, however, we are assured, on the authority of the Report of the Committee on the State of Ireland, ‘the men are not more than one-third employed, and the women one-fifth.’ I cannot dismiss this

part of the inquiry, without noticing the unfairness with which Ireland has been treated by our modern economists. It is the misfortune of the Irish not to be able to afford themselves anything more palatable than potatoes :—this is charged upon them as an evidence of their voluntary barbarism ;—they cannot obtain labour ; this is to brand them with the crime of idleness. It is false. In our harvest fields, or before our furnaces ; in the bowels of the earth, or on the loftiest buildings, wherever labour can be obtained, no matter how dangerous or severe, there are the Irish. The same is precisely the fact across the Atlantic ; and yet their misery, according to many, is attributable to their laziness. ‘Ye are idle, ye are idle,’ said Pharoah to the Israelites, when they complained to his majesty that they were forced to make ‘bricks without straw.’ The early writers upon Ireland, made no charges so absurdly false : Sir William Petty attributed their ‘lazing’ to want of employment, and encouragement to work ; and we still find them, on the authority of official reports, ‘when idle, idle only from necessity ;’ being extremely anxious for employment, and as grateful for it. ‘They are the most anxious people in the world to get labour.’ ”—See Sadler’s *Evils of Ireland, passim*.

Thus unvarying and uniform is the description given by successive writers of the miserable condition of the Irish people. Six hundred years, sufficient for the rise and fall of many surrounding nations, have produced comparatively little change in the condition of Ireland, none in that of the Irish peasant ; still does his lot entail little but hopeless toil ; still does his smoky hovel exhibit the same picture of wretchedness and human degradation, as in the days of Geraldus Cambrensis. His habits and native character in a great degree remain the same. It might almost be urged as an additional argument for his Oriental descent, for nowhere but in the East, or among the Fellahs of Egypt, do we find such a sameness of wretchedness and degradation. The human mind seems paralyzed by physical evil, and all exertion and improvement abandoned, as if under the weight of a hopeless fatalism. The state of Ireland at this day is the greatest subject of reproach that England, as a nation, can have laid to her charge ; and she has too much cause to dread a fearful retribution. For seven centuries has Ireland been intimately connected with and subject to England, the most Christian and enlightened of the European nations ; and yet has her sister country, in that long period of time, experienced many wrongs, but little amelioration of her wretchedness. Irish

misery is something that cannot be described, it must be seen to be understood. The writer of these pages has visited other and distant lands, and seen the various forms of human misery and degradation, but their people were far removed from the influences of civilized society. But who that has visited the South and West of Ireland, only a few hours distant from the shores of England, but must be strongly and painfully impressed at the close proximity of highly civilized life, and almost savage barbarism. The wild Arab domiciles himself with his horse—the wild Irishman inhabits the same hovel with his pig. But this state of society, in the nineteenth century, cannot long continue. Ireland in her present state, and compared with what she might be, is a source of weakness, and not strength, to England. It is fatuity to suppose that the connexion between the two countries can be longer continued by force. The example of other nations forbids our entertaining so monstrous an opinion. Ireland is beginning to awake to a sense of her own physical power and consequence; and as she feels that she is capable of conferring, by her connexion, corresponding advantages on England, she will expect adequate advantages in return.

IV. With this state of things then before them, let Sir Robert Peel's government in Ireland

take for its first object the employment of her people, the surest means to promote their happiness. Let the laws be fearlessly and *impartially* administered, and life and property be rendered secure; while agitation is discountenanced and put down by the most effectual mode, the prosperity and contentment of her people. This can only be effected, as I have throughout observed, by giving employment to her destitute population; for this purpose Sir Robert Peel, and his Irish secretary, should be prepared to come forward with some great and enlarged plan of public works, which should not only render immediate benefit to Ireland, and thereby indirectly the other parts of the United Kingdom, but should be of national utility and importance. Ireland might be made the gangway between the old and new worlds. A canal running east and west for the transit of goods, with a parallel line of railway, would obviate the most dangerous, and often the most tedious part of a long sea voyage, and add new sources of wealth and power to the empire.*

The reclamation and improvement of the waste lands of Ireland, should be made a government measure; it is one in which the entire united Kingdom is deeply interested, in the present state of the corn trade. Nor has its important con-

* See Appeddix, No. II. p. 86.

nexion and bearing on the corn law question been unnoticed by that able and industrious writer, M'Culloch,—“ That the restrictions imposed on the foreign corn trade, during the last ten years, should not have been productive of more disastrous consequences than those that have actually resulted from them, is, we believe, to be principally ascribed to the very great increase that has taken place in the imports from Ireland. Previous to 1806, when a free trade in corn was established between Great Britain and Ireland, the yearly imports did not amount to 400,000 quarters, whereas they now amount to 2,600,000. And any one who has been in Ireland, or is aware of the wretched state of agriculture in it, and of the amazing fertility of the soil, must be satisfied that a very slight improvement would occasion an extraordinary increase in the imports from that country ; hence it is by no means improbable that the growing imports from Ireland may, at no distant period, reduce our prices to the level of those of the Continent, and even render us an occasionally exporting country.”

The reflections suggested, however, by the above observations of this eminent statistical authority, I confess with humility do not lead me to his conclusions : it may be that I give the question of the repeal of the corn laws too exclu-

sively as an Irishman ; but although a strong advocate for such a change as would get rid, as far as possible, of fluctuation in the price of the prime necessary of life ; and such an alteration in the mode of taking the averages, as would do away with the fraud and mischievous speculation which the present system occasions, I still think the agricultural interests of every country are entitled to the first consideration, and to every legitimate protection ; but that Ireland more particularly claims the indulgent consideration of the legislature : nine-tenths of her population are at this day sustained by agricultural pursuits and labour ; and considering the very backward, but still improving state of agriculture, and the vast field that exists there for its employment, it is obviously in this channel that the current of improvement must run for a great length of time ; and any violent or sudden alteration of the corn laws would, therefore, it is to be feared, seriously interrupt the growing prosperity of Ireland. Agricultural societies, on the model of the Highland Society, and similar institutions in England, are fast springing up in the Sister country ; and indeed many of them are now in actual and beneficial operation ; and agriculture and the different arts which bear on it have begun to be scientifically studied.

Institutions of this kind in Ireland, so strongly

called for, an enlightened and paternal government should, to the utmost of its power, foster and encourage. For the improvement of the waste lands of Ireland, a special board should be formed, with the necessary powers for this great work, by Act of Parliament. The company already established for this end, in pointing the way, have done much; but the authority and resources of a private body are totally inadequate to work out this great national object. If the government can fortunately secure the valuable co-operation of the enlightened nobleman who presides with such distinguished credit over that body, their plans will come stamped with the approbation of one who, in the consideration he has given to this subject, as well as by the extensive improvement of his own estates, has proved himself one of the best friends of Ireland.*

The Commissioners of Woods and Forests also, in their colony of King William's Town, in the county of Cork, managed, by their eminent engineer, Mr. Griffith (whose valuable labours every one who has visited the South of Ireland can attest), have shown what can be done, and what a fertile source of revenue the cultivation of the waste lands might be made to the country. Many difficulties will arise (owing to the complicated interests of the parties having property in those

* See Appendix, No. III. p. 87.

lands) in the course of the operations of the proposed Board. With these it should have clear and ample power to deal; for while concurring with Mr. Sharman Crawford, in the policy of the principle, that every acre of waste land should (if the holder persisted in leaving it in that state, useless to the community) be taxed, we should take care to supply the holder with some way to escape the impost, without sacrificing his interest. The proprietors of Ireland, generally, are utterly unable themselves, to reclaim the vast tracts of waste land they hold; either from their poverty or the almost insuperable difficulty of *getting at the land*. The author of these sheets has a partial interest in a property, of some thousand acres extent, nearly all of which is improvable, and which only yields him a few hundreds a year; and yet, in the present state of things, almost insurmountable obstacles would present themselves, to any extended plan for its improvement, either on his part, or by any private individual.

The tenure by lease of lives, renewable for ever, which so extensively prevails in Ireland, particularly in the South, is, in my opinion, another great obstacle to the improvement of that country: where the rent is reserved, and fines are so small, as to be only nominal, the possessor of the fee (if, in the strict sense of the word, he can be called so who pays quit and crown rent which

is nearly universal) seems to have parted with all the substantial parts of the inheritance. Courts of equity in Ireland have long restrained such a reversioner from taking advantage of the *laches* of the tenant to renew; and this species of tenure might therefore, I conceive, be advantageously enlarged into a fee simple (instead of being as it is now termed, a quasi fee); and the chief lords' interest commuted into a perpetual rent charge. This would, to a considerable degree, tend to increase the number of resident proprietors, so very desirable an object in Ireland. A design that might be further assisted by giving still greater facilities to the opening of entails, and (without infringing on the rights of property and individuals) enabling parties exercising powers of appointment, or in settlements, to separate the English and Irish estates; so that while one brother should take the title and estates in England, his younger brother might succeed to the Irish estates, and thus be led to reside in Ireland. This would go far to diminish absenteeism, which has been truly described as "*nostra miseria magna*."*

Nor should the commerce and navigation of Ireland be without the care and protection of the legislature. These important interests deserve and will amply repay all the attention bestowed upon them; for who has beheld "the *Rex Plu-*

* See Appendix, No. IV. p. 88.

viorum” of Giraldus Cambrensis ; “ the noble Sheenan, spreading like a sea,” as Spencer describes this great insular river, whose waves should be “ a blessing as they flow ;” or admired the depth and shelter of Cove’s unrivalled harbour, connected, by the beautiful waters of “ the silvery Lee,” with the metropolis of the South of Ireland, without being struck with her great national capabilities, and a painful feeling of regret that, where Nature has done so much man should have done so little.

The fisheries of Ireland might also be another source of wealth to her people. They are, however, in a very depressed state, and for want of proper boats and tackling, the Irish fishermen are unable to compete with the Mount’s Bay men and other English rivals, who annually, and with profitable enterprise, resort to their coasts. The salting and preparing of fish for foreign markets, a branch of trade to which so much of the prosperity of Holland and Scotland has been owing, seems to be altogether neglected. It is therefore, in my opinion, to be regretted that the Board to whose care the Irish fisheries was formerly entrusted, has been dissolved, instead of being, if necessary, remodelled ; such a Board, assisted by intelligent and experienced inspectors along the coast, and connected with loan societies in the principal fishing towns, would be calculated to

effect much good. But, though last in this hurried summary of Irish interests, one of the most important is the linen trade of Ireland, which has been long the great staple manufacture of that country : owing to the growing prevalence of free-trade principles in commerce, and the consequent prejudice against bounties, the principle of which system, no doubt, has been generally mistaken, the linen manufacture of Ireland does not now possess peculiar protection ; it has long been in a very languid state, and our present unsatisfactory commercial relations with France and America are not likely to improve its condition.

When this manufacture was first established in Ireland, the English House of Commons solemnly pledged itself to be always ready to foster and protect it. Whatever may be the present value of this pledge, let us hope that the Irish linen trade will receive all due consideration in the general review of our commercial system, which cannot be much longer postponed. We are also entitled to expect some beneficial result from the position in the present government, occupied by the member for Belfast, Mr. Emerson Tennant, whose abilities his political opponents have no wish to deny, and whose earnest attention we may well suppose this subject engages.

Let me, then, briefly conclude by saying that, if acting in the spirit, at least, of the measures I have, however feebly, suggested, the wants and interests of Ireland receive from Sir Robert Peel their just consideration, and form part of a comprehensive scheme of enlightened legislation suited to the pressing exigencies of the country, his government, we may reasonably conclude, can scarcely fail to be successful.

The attention and energies of the Irish people have been too long distracted, or wasted in chimerical projects, or senseless party disputes. Too long have they allowed themselves to be the blind and passive instruments of demagogues or fanatics. Oh, when may we hope that her brave and generous people will throw off this still remaining national drunkenness, and learn to think for themselves? Would that we could apply to them the language which Lord Brougham uses in reference to the English people, in his able "Essay on the effects of Party."—" *Their* progress," says he, "is now rapid, and their success assured, in the attainment of all that can qualify them for self-government, emancipate them from pupillage, and entitle them to undertake the management of their own affairs; nor will they any more suffer leading men to make up their opinions for them, as doctors do the prescriptions which their patients are to take, or

consent to be the tools and dupes of party." But Ireland is, unfortunately, still without that enlightened public opinion which, in England, speaking through its organ, a vigilant and ably conducted press, while it canvasses the opinions and conduct of public men, detects and exposes whatever may be subversive in either of civil liberty or religious toleration. Of this we have had many and melancholy proofs; but, as a recent instance, I may mention the intolerant letter of Dr. M'Hale, or as he delights to call himself, "John Tuam," an ecclesiastic whose uncompromising bigotry would have done honour to the age of Alva. This letter, addressed to Lord Clifford, appeared in the liberal newspapers in Ireland, without censure or comment.*

No wonder Dr. M'Hale is such a strenuous opponent of national education in Ireland; with the education of the people, the reign of these violent theologians and turbulent agitators will pass away.

Let us hope that mutual charity and benevolence, happily the least disputed doctrines of the gospel, will occupy their place, and actuate all classes in their relations to each other—that national distinctions between the two countries being effaced by identity of interest and government, their only rivalry may be to emulate each

* See Appendix, No. V. p. 88.

other in the career of civilisation and intelligence, while forming a united and puissant people, they advance still further the common glory of this great empire.

Ireland has many a nobler and worthier son, but not one who feels a more sincere and ardent attachment to his native land, than he who has thus conveyed his warm wishes for her prosperity as a nation.

APPENDIX.

No. I.

OF all the arbitrary proceedings during Strafford's administration of the Irish Government, the most flagitious, certainly, were those founded upon "the Commission to inquire into defective titles." Strafford was well aware what rich rewards two of his immediate predecessors had acquired by their activity in pursuing this inquiry; "one* of them having had lands bestowed on him, which in the year 1633 were of no less value than ten thousand pounds yearly, and the other† ten thousand pounds in one gift."

"The Case of tenures, upon the commission to inquire into defective titles, argued by all the Judges of Ireland, with their resolutions and the reasons of their resolutions," printed by James Barry, and dedicated to Lord Wentworth, (afterwards Earl Strafford,) a copy of which is in the author's possession, will be found interesting to the legal reader. He will be astonished at the extent of learning and research brought forward to

* Sir Arthur Chichester.

† Lord Falkland.

bear down the plainest principles of justice. I shall, however, content myself with merely citing the substance of this celebrated case, and the resolution to which the judges came, with one out of the many learned reasons they gave for it.

CASE.

“ King James, by commission under the great seal, dated the 2nd day of March, in the fourth year of his reign, did authorise certain commissioners to grant the Manor of Dale, by letters patent under the great seal of this kingdom, to A. and his heirs, but there is no direction given in the said commission touching the *tenure* to be reserved. There *are* letters patent, by colour of the said commission, passed unto A. and his heirs, *to hold by knight's service, as of his Majesty's Castle of Dublin*. The question is, whether the said letters be void in the whole, or only as to the tenure?”

After a most elaborate judgment and imposing array of venerable authorities, “ the judges resolved that these letters patent were void in law, *both as to the lands and to the tenure*:—but *secus* had the commissioners reserved either an express tenure by knight's service in *capite*, or no tenure, for the law would imply a tenure in *capite*; but this reservation of a mean tenure in other manner than the authority warrants, is in damage and prejudice of the king, and therefore void.”

Nice reasoning and subtle distinctions, and which earned, perhaps, the admiration of the lawyers of those days; but on the broader principles of natural justice, this forensic sophistry, which stripped the most ancient and honourable families in the kingdom of their estates and patrimonies, can only be regarded as one of the most

scandalous examples of judicial profligacy on record ; for, it is only proper to add, that Wentworth prevailed upon the King to bestow 4s. in the pound, upon the Lord Chief Justice and the Lord Chief Baron, (two of the Commissioners,) to be paid them *out of the first yearly rent raised by the commission of Defective titles !* which, as he himself tells us, “he had found upon observation to be the best given money that ever was laid out, for that by these means they (*the judges*) did attend to that business with as much care and diligence *as if it was their own private*, and that every four shillings so paid would better his Majesty’s revenue four pounds.”

Strafford’s State Letters, vol. ii. fol. 41.

No. II.

“The distance from London to Dublin was once so great, that in the reign of Henry VIII. it happened that, as he did not lose much time in replacing one wife by her successor, one day the Irish Parliament confirmed by a decree the marriage of the King with Anne Boleyn, and the next day, in consequence of the arrival of the mails from England, (at that time uncertain,) the news it brought obliged them to declare this marriage null and void.

“In our days, twenty-one hours alone separates London from Dublin—the first long distance by sea and land which steam has abridged—why then should Ireland continue to have a distinct executive more than Wales or Scotland ?”—Translated from M. De Beaumont’s Work, and see for the Historical Anecdote, *Lingard*, vi. ch. v. ann. 1525.

No. III.

The Earl of Devon's neat and flourishing little town of Newcastle, in the county Limerick, presents a striking contrast to the miserable villages of the South of Ireland.

The traveller is surprised and cheered at finding, in this wild and remote district, so comfortable and well-regulated a town—a clean and English-looking marketplace, well-slatted houses, and business-looking little shops, give it an air of comfort, while “the Courtenay Almshouses,” a handsome and commodious building, manifests the liberality and superintending care of the noble proprietor. The town is very prettily situated on the banks of a mountain stream, near which stands the old mansion of the Courtenay family, surrounded by well-laid out, though not extensive, pleasure-grounds. The excellence of the roads, the well-kept hedge-rows, orchards, and nurseries, very uncommon objects in the neighbourhood of an Irish country town, give Newcastle altogether an improved and gratifying appearance, and show what can be done even by an absentee proprietor, if really anxious to improve his property, and seconded by an active and intelligent agent.

Lord Devon and his agent, however, do not confine their attention to the town of Newcastle; the new roads and bridges in the neighbourhood manifest their public spirit, and will confer lasting benefit on the people.

The traveller will find a comfortable inn in Newcastle, where, if he is a follower of old Izaak Walton, he will find ample employment for his rod, or if he loves to breathe the keen air of the moors, he may enjoy some noble coursing, if he comes prepared with a brace of good

dogs. The grouse shooting, if more care was generally taken in preserving the birds, would be good; as it is, a cockney sportsman will hardly think it repays the toil.

No. IV.

We have examples, if not authority altogether, for some such measure as I have proposed in the Act 3 Geo. IV. c. 63, authorising the sale of quit rents and other hereditaments, the property of the Crown in Ireland, and in the Acts relating to the temporalities of the Irish Church by virtue of which the tenants under Bishops' leases may acquire perpetual estates, and this too without the bishop being necessarily an executing party. But, perhaps, the recent English Act for the enfranchisement of copyholds is more closely analogous.

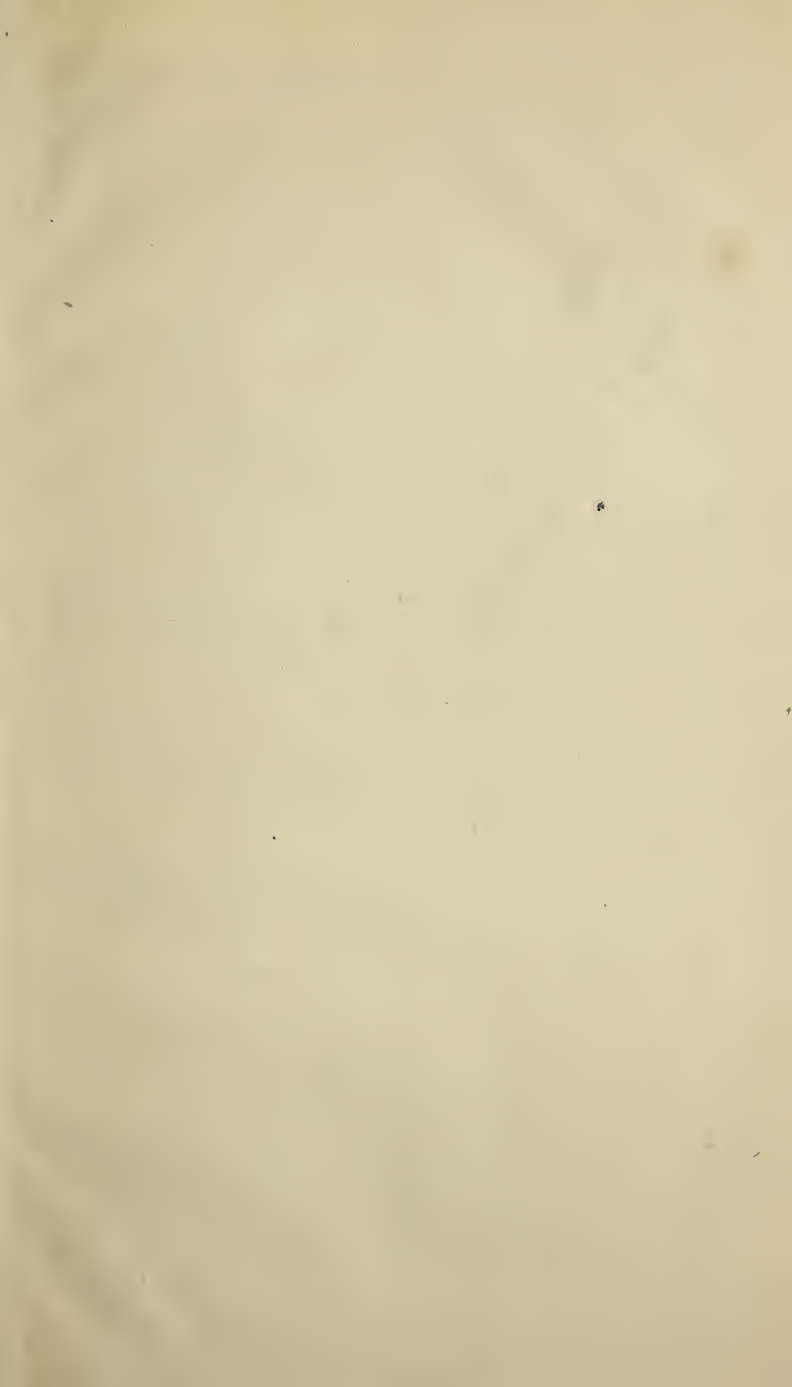
The measure I suggest, however, would only go the length of enabling the inheritor, *otherwise disabled*, to deal with the tenant holding by lease of lives, renewable for ever, for the disposal of the reserved rent and reversion.

No. V.

Among other serious charges, the great Titular rates his lordship for "adopting a new and accommodating phraseology, and instead of styling himself a Catholic, your letters, forsooth, are to be considered as addressed by a British Christian in communion with the See of Rome, to a British Christian *not in* communion with the See of Rome!"—*proh pudor!*

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